

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN

DARRYL MORGAN,
JESUS GILLETTE,
JAMES WASHINGTON, and
RALPHEAL HAMPTON,

Plaintiffs,

Case No.

v.

Hon.

ENVIRONMENTAL WOOD
SOLUTIONS II, LLC,
a Michigan corporation,

Defendant.

RUNYAN LAW GROUP
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DEFENDANT'S NOTICE OF REMOVAL

Defendant Environmental Wood Solutions II, LLC, through its attorneys, Starr, Butler, Alexopoulos & Stoner, PLLC, file this Notice of Removal of the above-captioned case from the Wayne County Circuit Court for the State of Michigan to the United States District Court for the Eastern District of Michigan, on the basis of federal question jurisdiction and in support thereof states as follows:

1. On or about May 23, 2023, Plaintiff Darryl Morgan commenced this lawsuit against Defendant in the Wayne County Circuit Court for the State of Michigan, 23-0006337-CD. A copy of the Complaint is attached to this Notice as **Exhibit A**.

2. Defendant first received notice of this action on May 24, 2023 when Plaintiff's Counsel emailed Defendant's Counsel a copy of the Complaint.

3. On or about June 20, 2023, Plaintiffs filed a First Amended Complaint, amending the Complaint to add Plaintiffs Jesus Gillette, James Washington, and Ralphael Hampton. (**Exhibit B**).

4. This Notice of Removal is being filed within thirty (30) days of the earliest date that Defendant first received notice of this action pursuant to 28 U.S.C. § 1446(b).

5. Plaintiff's Complaint alleges a violation of Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e, *et seq.* (**Exhibit A**).

6. Based on the allegations in Plaintiffs' Complaint, which include alleged violations of a federal statute, this Court has original federal question jurisdiction over this civil action under the provisions of 28 U.S.C. § 1331, and this civil action may be removed to this Court by Defendant pursuant to 28 U.S.C. § 1441. Moreover, this Court has supplemental jurisdiction over Plaintiff's related state law claims alleging violations of Michigan's Elliot-Larsen Civil Rights Act, M.C.L. § 37.2101 *et seq.*, pursuant to 28 U.S.C. § 1367 (Supplemental Jurisdiction).

7. Copies of all process and pleadings served upon Defendant are attached to this Notice of Removal in accordance with 28 U.S.C. § 1446(a). (**Exhibits A, B**).

8. Concurrent with the filing of this Notice of Removal, Defendant is providing notice to counsel for Plaintiffs and the Clerk of the Circuit Court for the County of Wayne, pursuant to 28 U.S.C. § 1446(d).

9. Defendant consents to this Removal.

WHEREFORE, Defendant Environmental Wood Solutions II, LLC gives notice that the above-described action pending in the Circuit Court for the County of Wayne, State of Michigan

is being removed therefrom to this Honorable Court.

STARR, BUTLER, ALEXOPOULOS & STONER, PLLC

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Dated: June 23, 2023

PROOF OF SERVICE

The undersigned says that on June 23, 2023, she has caused to be served a copy of **Defendant's Notice of Removal** and this **Proof of Service** via first class mail upon all attorneys of record.

I declare that the above statements are true and correct to the best of my knowledge, information and belief.

/s/ Kiersten Plane